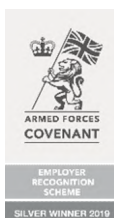


ABSENCE MANAGEMENT POLICY

Issued by – Human Resources
Updated – September 2020



TENDRING DISTRICT COUNCIL
Sickness Absence Management Policy & Procedures

Table of Contents

SICKNESS ABSENCE MANAGEMENT POLICY.....	4
POLICY OBJECTIVES	4
RESPONSIBILITIES.....	5
HR Team	5
Officers with Authority to Dismiss	5
Assistant Director (Partnerships)	5
Trade Union Representatives	5
Employee Representatives.....	5
Advice and Support.....	5
Employees.....	5
Managers.....	8
Recording and Monitoring.....	8
TRIGGER POINTS	9
Pro-rata Trigger Points.....	9
ILL HEALTH WHICH DOES NOT LEAD TO ABSENCE FROM WORK	9
RETURN TO WORK INTERVIEWS.....	10
PHASED RETURN	10
MEDICAL SUSPENSION	11
REVIEW OF MEDICAL SUSPENSION.....	12
MEDICAL REDEPLOYMENT	12
PROTECTED PAY.....	12
UNFIT FOR A PROLONGED PERIOD	13
ILL HEALTH RETIREMENT	14
TYPES OF SICKNESS ABSENCE.....	15
Sickness During the Working Day.....	15
Medical Appointments	16
Planned Operations	16
Pregnancy Related Sickness	16
Terminal Illness	16
Accident or Injury at Work.....	17
ABSENCE MANAGEMENT PROCEDURE – INFORMAL STAGE	18
Record of Meeting.....	18
ABSENCE MANAGEMENT PROCEDURE – FORMAL STAGES.....	19
STAGE 1 ABSENCE MANAGEMENT MEETING.....	19
Management preparation before the Meeting:	19
What needs to be discussed during the meeting:	19
Outcome of the Meeting:.....	20

STAGE 1 – ABSENCE MANAGEMENT REVIEW	20
Possible Outcomes of Stage 1 Review	21
Escalate to Stage 2 Meeting	21
Extension of Review Period	21
12 Month ‘Live’ Period	22
STAGE 2 – ABSENCE MANAGEMENT MEETING	22
Management preparation before the Meeting:	22
What needs to be discussed during the Meeting:	23
Outcome of the Meeting	23
STAGE 2 – ABSENCE MANAGEMENT REVIEW	24
Outcomes of Stage 2 Review	24
Escalate to Stage 3 Hearing	25
Extension of Review period	25
12 Month ‘Live’ Period	25
STAGE 3 – CASE HEARING	25
Management preparation before the Hearing:	25
What needs to be discussed during the Hearing:	26
The Chair will consider the below questions:	26
Adjournment at the Hearing	27
OUTCOME OF HEARING	27
Dismissal with contractual notice	27
Set Review Period	28
STAGE 3 – ABSENCE MANAGEMENT REVIEW	28
OUTCOMES OF STAGE 3 REVIEW	29
Conduct a further Stage 3 Hearing	29
Extension of Review Period	30
12 Month ‘Live’ Period	30
APPEAL	30
APPENDIX 1 – STAGE 1 REVIEW FLOWCHART (SHORT TERM)	31
APPENDIX 2 – STAGE 1 REVIEW FLOWCHART (LONG TERM)	32
APPENDIX 3 – STAGE 2 REVIEW FLOWCHART (SHORT TERM)	33
APPENDIX 4 – STAGE 2 REVIEW FLOWCHART (LONG TERM)	34
APPENDIX 5 – STAGE 3 REVIEW FLOWCHART	35

SICKNESS ABSENCE MANAGEMENT POLICY

The Council recognises that employees will from time to time, be unable to come to work because of sickness.

The Council is dedicated to maintaining and promoting the health and wellbeing of all its employees. Whilst the Council has a supportive approach, it has to achieve a balance between the needs of the individual and the needs of the organisation.

This policy provides a fair and consistent framework for supporting employees who are absent due to sickness. It also applies to employees who are at work, but are unable to fulfil their duties and responsibilities in a satisfactory manner and/or fulfil their contracted working hours due to sickness.

The Council is committed to raising awareness and increasing the understanding of mental health conditions, and therefore, has signed up to the “The Time to Change Pledge”. This is a public declaration that Tendring District Council wants to step up to tackle the mental health stigma and discrimination, with the aim to provide employees with easier access to information and support with mental health conditions.

For further information on The Time to Change Pledge, go to: <https://www.time-to-change.org.uk/>

All managers are responsible for implementing this policy to ensure the following policy objectives are met.

POLICY OBJECTIVES

- Employees will be treated fairly, consistently and sensitively during times of sickness and are encouraged to use support mechanisms available to them.
- Managers have a structured framework to assist in managing sickness absence with the aim of supporting employees back to work. This includes conducting return to work interviews after every period of absence, monitoring employee sickness in accordance with set sickness triggers (it is the Councils right to adjust these trigger points annually to reflect sickness absence targets), and referring to Occupational Health (OH), via the Human Resources Team, where appropriate.
- Employees understand their responsibilities and follow sickness reporting arrangements.
- The highest levels of quality and service are maintained to allow the Council to fulfil its obligations to service users.
- Managers will implement reasonable adjustments for employees, where applicable and appropriate, to enable/sustain attendance at work.

- The policy aims to support an employee's return to work. Where employees are absent from work for a considerable amount of time, they will be supported and also made aware that the outcome of this policy could be dismissal.
- Employees who are either underperforming or are no longer able to carry out the duties of their role due to their medical condition(s) they will be managed through the Capability Policy and Procedure.

RESPONSIBILITIES

HR Team

Advising managers and employees in the application of this policy and attending meetings/hearings as required by the policy.

Head of Paid Service

The Chief Executive shall have authority to act in relation to all matters in connection with management of staff including terms and conditions of employment and dismissal in accordance with the Council's Human Resources Policies and Staff Handbook. *(except where Section 4 of the Local Government and Housing Act 1989 applies and it is appropriate for the full Council to consider any specific proposals of the Head of Paid Service in this regard).*

Officers with Authority to Dismiss

Corporate Directors, Assistant Director (Governance) and Assistant Director (Finance and IT) shall have authority to act in relation to all matters within their areas of responsibility in connection with management of staff including terms and conditions of employment and dismissal in accordance with the Council's Human Resources Policies and Staff Handbook.

Assistant Director (Partnerships)

The officer in this role has delegated authority for the decision-making on key Human Resource and Personnel issues not reserved by the Council or delegated to officers.

Trade Union Representatives

The same standards apply to Trade Union Representatives as to all other employees. However, where application of formal action (this includes Stages 1, 2 and 3) is being considered against a Trade Union Official or Representative, managers must first discuss the case with HR who will then discuss with a Senior Trade Union Representative or full time official. To avoid the action being misconstrued as an attack on the Union itself or on its representation and negotiating role, and is in accordance with the ACAS Code of Practice.

Employee Representatives

Employees have the right to be accompanied at Stage 1, 2 and 3 Absence Management Meetings/Hearings by a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative.

Advice and Support

Managers should contact the Human Resources Team.

Employees

Employees have a duty under their terms and conditions of employment to be at work and must ensure they adhere to their responsibilities:

1. In order for service delivery to be maintained, it is essential for line managers to know when a member of staff is unable to attend work due to illness. Failure to inform your manager, in accordance with the procedure set out below, may lead to the absence from work being considered as unauthorised, resulting in loss of pay and possible disciplinary action.
2. The employee must telephone their designated manager or another senior manager on the first day of absence, normally as soon as possible after 8:45am or at least 30 minutes before they are due to begin work. Unless local arrangements have been arranged, for example, Careline or Leisure Centre employees.
3. Employees must make personal contact (*not by means of a spouse/family member/friend*) and by telephone (*not by text or e-mail*). A contact number must also be provided in all instances. It is recognised there may be instances where employees are unable to contact line managers personally (e.g. admittance to hospital). In these exceptional circumstances, the individual that contacts the line manager must leave a contact name and number.
4. Employees must provide the following information:
 - Employee (*or person making contact*) must confirm when they became ill;
 - Broad nature of illness (*e.g. migraine, chest infection*);
 - Whether illness is due to an accident or injury at work;
 - Whether employee has, or will be seeking medical attention;
 - The likely date of return (*if known*).
5. Employees unable to speak with their line manager must leave a message and a contact phone number, asking that it is passed on to the line manager as soon as possible. The employee should expect, and be available to receive, a return phone call to discuss the above points.
6. Employees must complete a Self-Certificate for absences up to 7 days and submit this to their line manager on their day of return to work.
7. Employees must obtain a Statement of Fitness Note from a GP or Consultant and submit this to their line manager on the eighth calendar day of absence. Failure to do this, may result in the absence being recorded as unauthorised absence, resulting in loss of pay.
8. Employees must continue to send in Statement of Fitness Notes for the duration of the absence and keep line managers advised of their health and progress towards returning to work. When a Statement of Fitness Note expires, employees not returning to work, must ensure a new Statement of Fitness Note is sent to their line manager immediately, failure to provide this, could result in loss of pay.

9. Employees must ensure medical advice and treatment is received as quickly as possible and must follow all recommended medical advice or treatment in order to facilitate a prompt return to work.
10. Employees are encouraged to attend any OH appointments, as in accordance with their conditions of service. If employees do not attend these appointments or fail to give consent to release the report, any decisions made regarding their absence from work will be made without the benefit of this information.
11. Employees must ensure they are contactable and available to attend absence management meetings and respond in a timely manner to any communications from the Council.
12. Employees must advise their line manager of any changes to contact details occurring during an absence.
13. Employees must advise their line manager of any concerns with their job/work place, which they feel are making them ill or contributing to illness/absence and preventing them from returning to work.
14. It is employees' responsibility to inform their General Practitioner (GP) of the nature of their work before a prescription is issued and then to advise their manager if they are taking medication which may affect their performance or safety in the workplace, including their ability to drive. Prescribed drugs can have side effects that affect an employee's performance at work. This can be of particular concern in safety critical areas, where common side effects like drowsiness, can be potentially fatal.
15. Employees' that do not declare the use of such medication, risk action under the Disciplinary Procedure.
16. Employees wishing to take time off work, who are not sick, must use annual or special leave or other approved leave. All leave of absence must be approved by management. Other types of leave must not be used to avoid sickness absence.
17. Employees may request to take accrued annual leave whilst on long term sickness. Employees are not expected to go away on holiday when absent due to sickness unless this is supported by a GP.
18. Employees wishing to take annual leave must obtain management authorisation and have the appropriate period of annual leave deducted from their entitlement.
19. Employees either at work or absent due to sickness should not undertake activities that could hinder or affect recovery. If it is found that employees are undertaking activities that would prevent recovery this may be managed under the Disciplinary Procedures.
20. Employees are encouraged to take advantage of Council initiatives to promote good health where appropriate.

21. Employees are responsible for managing sickness and taking any appropriate action, as determined by any health professional, to minimise any reoccurrence of the sickness

NB: Failure to follow these reporting procedures may be managed under the Disciplinary Procedures.

Managers

Three levels of management are involved in specific responsibilities within the Absence Management Policy:

- Line Manager – chairs Stage 1 of the Absence Management Procedure.
- Senior Manager (*can be any Senior Manager within the organisation*) – chairs Stage 2 of the Absence Management Procedure
- A Council Officer with “**authority to dismiss**” – Stage 3 – Case Review Hearing

Recording and Monitoring

Management are responsible for managing absence issues sensitively and compassionately, ensuring they follow the procedure contained in this policy and associated documents; including:

1. Ensuring employee sickness absence for every employee is provided to the absence officers, within their service as soon as possible.
2. Absences for dental / medical appointments / maternity leave or parental leave should not be recorded as sickness absence. They should be recorded as authorised absence, medical appointments.
3. Recording and monitoring all activities associated with managing the employee's absences. The Action Log is a form used by managers to record all support and communication, related to the absence, between the employee and themselves in a chronological order.
4. Explaining to employees the Occupational Health (OH) service and via the Human Resources Team, referring employees, if appropriate.
5. Ensuring employees are aware of other supporting policies such as special leave and flexible working.
6. Where absence results from a work related accident or disease, an Accident at Work form must be completed and submitted to the Health & Safety Team and the absence recorded as such.
7. Managers should promote the confidential service of the Employee Assistance Programme & Remploy to all employees when appropriate.
8. Managers must ensure any information associated with the Absence Management Procedure is transferred with the employee should they move positions within the Council.

TRIGGER POINTS

The Council operates the following trigger points:

- 3 or more episodes of absence in a rolling 12 month period and/or
- 10 working days of absence in a rolling 12 month period and/or
- Absences in a short period warranting immediate action, e.g. 3 episodes or 6 working days in 6 months.

A pattern of absence causing concern, e.g. regular Friday or Monday absences or absences regularly occurring on a particular day/week, pre or post annual leave, school holidays, public holidays, pay day.

Pro-rata Trigger Points

Trigger points for employees working fewer than 5 days in a week need to pro rata the number of days, as detailed below, but not the number of occasions. This is calculated by $10 / 5 \times \text{working days (or average working days)}$.

For example employee working:

- 1 day = trigger point is 2 days absence
- 2 days = trigger point is 4 days absence
- 3 days = trigger point is 6 days absence
- 4 days = trigger point is 8 days absence
- 5 days = trigger point is 10 days absence

The above is applied irrespective of the number of hours worked in a day. For those employees who condense their working weeks, for example: 37 hours over 4 days, then the trigger point would be = 7 days absence.

Where employees do not work the same amount of days each week, managers need to pro-rata the trigger to an average working week. For example: employees who work a 9 day fortnight and work alternative 5 days one week and then 4 days the following, they would apply the average working week, which would be 4.5 days and the trigger point would be = 8 days absence.

For employees on annualised hour's contracts, managers need to apply nominal working week and make adjustments during the year if needed.

ILL HEALTH WHICH DOES NOT LEAD TO ABSENCE FROM WORK

There may be occasions where an employee is suffering from ill health, but this does not lead to the employee being absent from work. If the employee believes that their ill health is having an impact on their ability to undertake their job, they should raise this with their manager.

The manager should discuss the matter confidentially with the employee, review the workplace risk assessment and discuss whether any additional support can be provided to the employee to support them at work. Depending on the circumstances, it may be helpful to seek advice and guidance from the Council's Health & Safety Team or Occupational Health.

RETURN TO WORK INTERVIEWS

Return to work discussions must be conducted by the line manager of the employee after every episode of sickness absence. The return to work discussion should be recorded on the [Return to Work Form](#) available on PING!. Self-Certificates and GP Statement of Fitness Notes should be sent to the designated absence officer within your service.

The return to work discussion may include:

1. Identifying support mechanisms beneficial following a return to work and any issues which may be affecting the employee's ability to attend work.
2. If necessary the line manager can request for the Health & Safety Team to carry out a risk assessment to assist in identifying any reasonable adjustments that can be made.
3. Monitor absence levels and where an employee's absence(s) reaches the identified trigger points to manage them accordingly.
4. Consider reasonable adjustments for employees (*where applicable*), including discussing with employees advice given on a Statement of Fitness Note, Occupational Health or the Health & Safety Team. When the Equality Act 2010 applies, managers must ensure they investigate any possible reasonable adjustments (*see Supporting Disabled Colleagues section within the further guidance for managers and employees*).
5. Consider phased return to work (*where appropriate*) following long-term sickness absence.
6. Where employees and their GPs consider they are fit to return to work and GP recommends any adjustments which we are not immediately able to accommodate, employees will remain off sick for the period specified on the Statement of Fitness Note or until the adjustments have been made.

PHASED RETURN

Where an employee has been absent for a prolonged period, their Doctor or OH may recommend that they undertake a rehabilitated or phased return to the workplace. This allows them to undertake reduced hours, work or responsibilities, whilst they rebuild their strength and health back up to their standard working practice.

Where this is recommended, the Council will support a full paid phased return for a maximum of 6 weeks, in consultation with Human Resources. This will be assessed

on a case-by-case basis, and only one 6 week phased return will be available to an employee, in any 12 month period.

If an employee requires a second phased return to work in a 12 month period then this would be managed via different routes, which can include the employee using annual leave to supplement the phased return or to have a temporary reduction in hours which will impact their pay. Advice should be taken from Human Resources on a case by case basis.

MEDICAL SUSPENSION

Medical suspension would apply when:

- A manager believes an employee is not fit to attend work but they refuse to go on sick leave
- or
- A GP considers an employee is fit to return to work (*with or without adjustments*) and the manager, in conjunction with HR, believe they are not and therefore require OH advice before allowing the employee to return back to work.

Wherever possible, prior to medical suspension, alternatives such as temporarily adjusting the employee's duties, reducing/changing hours of work, temporary redeployment to another role/location or working from home should be carefully considered using any advice from the GP contained on the Statement of Fitness Note where appropriate.

In such circumstances it would be appropriate to undertake a risk assessment, workplace assessment and/or DSE assessment.

Decisions to medically suspend must be based on sound health and safety justification and managers must be able to demonstrate this through risk assessment. Having considered the employee's views the manager should be able to clearly explain the reasons for their request to medically suspend an employee.

If it is considered there are sufficient grounds to medically suspend, written approval must be given by an officer with "**authority to dismiss**" in consultation with the Assistant Director (Partnerships).

Once the authority has been given, a suspension interview with the employee should be held, as soon as possible after the decision has been made, which should be followed up in writing using the suggested [Medical Suspension Letter](#).

The employee has a right of representation at the suspension interview. However, the unavailability of a representative must not delay convening the suspension interview or the suspension itself. If the need to medically suspend is urgent and it is not possible to convene a face to face meeting, the employee may be informed by telephone of the medical suspension and the discussion must be followed up in writing.

NB: Medical suspension is on contractual pay and does not impact on sick pay. It is also not a period of sickness absence and must not be recorded as such.

REVIEW OF MEDICAL SUSPENSION

A review of medical suspension must take place once the required medical information is provided by OH. If OH advise that the employee is able to return to work, the medical suspension will be lifted.

If the employee is still unable to perform their duties, once the medical suspension is lifted managers will need to clarify if this is due to an underlying medical condition.

If it is not due to a medical condition, managers may decide whether to invoke the Capability Procedure. HR advice should be sought in these cases.

MEDICAL REDEPLOYMENT

This is when an employee has an underlying medical condition and the employee has been deemed “unfit to return” to their substantive post for a prolonged period and/or no reasonable adjustments can be put in place, following medical advice.

The Council can consider the option of medical redeployment to another role, if a suitable role is available within the Council’s current establishment. Advice must be sought from OH regarding whether redeployment should be considered, before any decision can be made.

Redeployment is a positive act, which can enable the Council to maintain the skills and experience of valued employees, as well as meeting its legal obligations.

PROTECTED PAY

If following a medical recommendation, it is agreed with all parties, and the only reason for the redeployment is on the grounds of an underlying medical condition (*this cannot be applied if there are any capability issues not relating to an underlying medical condition*), the Council will pay a protection payment based on the following:

Redeployment to a lower graded post

- All reasonable efforts will be made to re-deploy employees to similarly graded posts.
- However, situations may arise where the only redeployment opportunity, which can be offered, is to a lower graded post. It is in the Council’s interest to encourage employees who have valuable skills, experience and competencies to remain employed.
- The employee will be paid a monthly amount, which will start from the date the employee commences the post for a period of 1 year. This sum will be calculated in accordance with the following formula:

- The difference between the current and the proposed salary will be calculated and divided into 12 equal payments that reduce by 25% every 3 months. This figure will be based on the actual and proposed pay at the time of the transfer. If the employee is due to retire in less than 12 months, the payment will be made pro rata up to the date of retirement.
- In calculating the payment protection, all elements of contractual pay will be included, i.e. basic pay, contractual overtime and any other contractual allowance. Any non-contractual overtime will not be included. Annual leave entitlement will not be protected.
- The monthly payment will be subject to income tax, in the normal manner.
- After redeployment to a lower grade, the employee may request continued priority for vacancies where they meet the competency criteria of the person specification. This will be provided for a period of up to 12 months following the redeployment.

Redeployment to an alternative location

In the event that the employee is redeployed to an alternative location, the Council will not reimburse travel costs.

UNFIT FOR A PROLONGED PERIOD

Advice may be received from OH that the employee is eligible for permanent ill health retirement or alternatively that they are deemed unfit to return to their substantive role for a prolonged period, due to an underlying medical condition and redeployment is not recommended. In these scenarios it may be appropriate to escalate to a Stage 3 Absence Management Hearing, without the need for a Stage 1 or/and Stage 2 meeting taking place.

If OH recommend redeployment, the employee will be offered a formal period of time in line with this policy, to find an alternative role within the Council (*See Medical Redeployment*). It may be appropriate to escalate to a Stage 2 or 3 meeting, without the Stage 1 or 2 meeting taking place. Managers should be aware that an employee who has been found unfit to continue in their substantive post and who fails to secure alternative employment will face dismissal from the Council. A positive approach will be taken to redeploy the employee.

Managers should be aware of the requirements of the Equality Act 2010 and the need to make reasonable adjustments to assist an employee to continue in work. Additionally, under the Disability Confident Scheme, the Council is committed to retaining employees who become disabled.

The above would need to be discussed with a member of the HR Team and an Officer with “**authority to dismiss**”. At the Stage 3 Hearing the Chair will give consideration to dismissing the employee with notice on the grounds of ‘Some Other Substantial Reason’ or ‘Capability’ (*where underlying medical condition is identified*).

ILL HEALTH RETIREMENT

The employee must be a member of the Local Government Pension Scheme (LGPS) scheme and meet the criteria set out in the LGPS Regulations* to be eligible for an assessment of Ill Health Retirement.

The Council's policy is:

1. To apply on a consistent approach based on the requirements of the Local Government Pension Scheme in relation to ill-health retirement issues.
2. To ensure that all possible alternatives to ill-health retirement are considered, where practicable.
3. To ensure that employees, whose retirement on grounds of ill-health is a possibility, are fully consulted before any such employer decision is taken, and are made aware of the pension implications of this outcome.
4. In line with the LGPS Regulations*, before determining whether or not a member is entitled to a Tier 1, Tier 2 or Tier 3 ill health pension, the Council must obtain a certificate from an Independent Registered Medical Practitioner (IRMP) who has not previously advised on, or given an opinion on, or otherwise been involved in the case and who has been authorised by the Pension Fund administering authority. The certificate must show:
 - whether the member, as a result of ill-health or infirmity of mind or body, is permanently incapable of discharging efficiently the duties of the employment the member was engaged in; and
 - whether the member, as a result of ill-health or infirmity of mind or body, is not immediately capable of undertaking any gainful employment; and
 - how long the member is unlikely to be capable of undertaking gainful employment**; and
 - where the member has been working reduced hours and has reduced pay as a consequence of the reduction in working hours, whether that member was in part-time service wholly or partly wholly or partly as a result of the condition that caused or contributed to the member's ill-health retirement.

**In this instance, "gainful" is defined as "paid employment for not less than 30 hours per week for a period of not less than 12 months".

5. Once the IRMP has made their medical opinion, the certificate will be completed and returned to the Council. When the Council are in receipt of this certificate, it will be considered, along with any other information that is held in relation to the employee.
6. Based on all the evidence available, the Assistant Director (Partnerships) in consultation with the relevant Corporate Director will make the final decision

in line with the LGPS regulations* as to whether the employee can be awarded the early pension payment on the grounds of ill health.

7. The employee will then receive a written formal notification of the decision:

- Early payment of pension on the grounds of ill health retirement has been granted including what tier has been awarded and the reason for the decision;

Or

- Early payment of pension on the grounds of ill health has not been granted and the reason for the decision.
- In all circumstances the employee will have the right of appeal through the LGPS Regulations* and the formal notification will include details of how the employee can appeal the decision.

8. The employee will be required to attend a Stage 3 Hearing and at that hearing the officer with “**authority to dismiss**” must have determined that the employee was dismissed on the grounds of ill health in line with the LGPS Regulations*, before an ill health retirement assessment is pursued.

*Full details of the LGPS Pension Regulations can be found at:

<https://www.legislation.gov.uk/uksi/2020/179/made>

TYPES OF SICKNESS ABSENCE

Sickness During the Working Day

Employees who leave work during the working day due to illness:

- Must first report this to their manager
- Will be classed as absent on that day (for sick pay and recording purposes)
- Will be required to self-certify and attend a return to work interview.

Managers should determine what proportion of an employee's normal working hours have been worked and decide whether a full or half days sickness absence should be recorded.

If the employee has worked approximately half of their working hours, on the first day of their absence, such absences should be recorded as a ½ day on the sickness system and will count towards trigger points.

If the employee has worked a very short period of their normal working day, less than half of their working hours, when they become ill, then the whole day should be recorded on the sickness system and will count towards trigger points.

If the employee becomes ill, having worked most of their normal working day, this should not be recorded as sickness absence. The first recorded day of sickness absence should then be the following day, if they do not return to work.

Medical Appointments

Employees must make medical/dental appointments outside of their normal working hours. Where this is not practical, they must be made to cause minimal disruption to the working day, i.e. lunchtime, early, late appointments and may be required to make up the time, either by staying late or by using flexi time where this scheme is operated.

Hospital / Consultant / Specialist Clinic appointments are considered authorised absence and time off will be paid. Managers will use their discretion to allow a reasonable amount of time off to attend appointments. Advice should be sought from a member of the HR Team.

Employees must provide managers with proof of their appointment (e.g. *an appointment card or copy of the appointment letter*) when requesting time off to attend hospital appointments.

Time off to accompany dependents is not sickness absence and must be taken as annual leave or flexi time unless management considers there are exceptional circumstances and authorised leave of absence.

Time off for cosmetic surgery must be taken from employees own leave entitlement or flexi time unless the GP confirms the employee is unfit and should refrain from work. If the cosmetic surgery is linked to a disability related condition, please speak to a HR Advisor.

Leave to undertake IVF treatment must be expected to be taken as Special Leave for Family or Personal Reasons.

Planned Operations

Employees absent due to planned operations may reach the Council's trigger points.

Managers should discuss contact arrangements with employees before the start of their planned absence and make them aware that they should still expect the line manager to contact them at an appropriate time to arrange the relevant Stage Meeting. This is likely to take place after one month's continuous absence unless the employee returns to work at an earlier date in which case, if the trigger has been met, the relevant Stage Meeting would take place following their return. Managers will need to use discretion as to the timing of this meeting to ensure employee is well enough to attend.

Managers should use this meeting to discuss with employees how they might best be supported (e.g. *referral to OH, any reasonable adjustments*) to enable them to return to work when they are well enough. An appropriate review period should also be set following this meeting as set out in this procedure.

Pregnancy Related Sickness

Pregnancy related sickness should be recorded on the Staff Absence Database but will not be counted towards the trigger points. Please refer to Maternity Leave Policy as some sickness, near to the due date can result in the Maternity Leave being triggered early.

Terminal Illness

Managers should deal with such situations compassionately taking into account the wishes of the employee and their financial situation as well as the needs of the

organisation. Each case will be considered on its own circumstances and managers must seek advice from HR, who will then liaise with OH and the pensions department (LPGS) to obtain further advice and guidance.

There are occasions when employees with terminal illnesses wish to be dismissed and may be eligible for early release of pension benefits, if they are a member of the Local Government Pension Scheme. Factors to consider include the medical condition and how long the employee is expected to live, as these may be critical in establishing the most beneficial course of action.

In extreme cases employees will be kept on the payroll, even though they have exhausted their sick pay entitlement. This elevates distress by formally dismissing someone who is dying where it is to the employee's advantage to remain in service due to their entitlement to benefits such as death in service.

Accident or Injury at Work

Employees who consider their illness/absence arises from an incident/accident or injury at work must notify their line manager as soon as reasonably practical. The manager is responsible for reporting any work place accidents to the Health & Safety Team using an Accident Report Form as soon as possible.

In addition to the completion of the Accident Report Form, once the employee has been absent from work for 7 days (*including weekends and not including the day of the injury*) then the manager must also inform the Health & Safety Team so that they can report the injury to the Health and Safety Executive (HSE) via the online RIDDOR reporting system.

Employees absent from work due to accident or injury at work should be treated in the same way as if their absence was due to sickness and therefore the Absence Management Procedure must be followed.

ABSENCE MANAGEMENT POLICY PROCEDURES

ABSENCE MANAGEMENT PROCEDURE – INFORMAL STAGE

Informal Actions

A return to work discussion must take place after every absence to:

- Discuss absences and identify any underlying reasons.
- See what support or assistance can be offered e.g. reasonable adjustments, OH advice, EAP, Remploy etc.
- Advise employee of Absence Management Policy and hitting trigger points.
- Maintain records of all discussions.

Employees on long term absence must maintain contact with the line manager during the absence. The frequency of this communication should be agreed between the employee and line manager. Managers should ensure that:

- This is done in a non-intrusive way.
- Manager sends copies of any key or relevant communications sent to staff, e.g. bulletins (*unless absent employee has requested they do not want to receive these*).
- Ensure employees are made aware they can access the Employee Assistance Programme and other support services.

Record of Meeting

Whilst parts of the absence management process are under a formal stage, in order to minimise unnecessary formality and apprehension, the electronic, audio or video recording by any device of such meetings/hearings will not be permitted. Should an employee think that there are exceptional circumstances where this should be allowed (*for instance, due to a disability*) this should be raised in advance with the person due to conduct the meeting, the chair of the hearing or the relevant member of the HR Team. Due consideration will then be given to the request and the employee will be advised of the outcome of that consideration.

Where the nominated note taker (*at meetings and/or hearings associated with the process*) feels it is necessary to make an audio recording in order to support with the preparation of the notes, the requirement to make the recording will be clarified with all present at the start of the meeting.

ABSENCE MANAGEMENT PROCEDURE – FORMAL STAGES

STAGE 1 ABSENCE MANAGEMENT MEETING

Where an employee's absence hits the trigger points, the employee will be requested, in writing, to attend a Stage 1 Meeting with their line manager (see [Stage 1 Guidance Notes for Managers](#)).

Where an employee is absent for one calendar month a Stage 1 Meeting should take place within 14 days of the first month's absence. If the employee returns to work prior to one calendar month the Stage 1 Meeting should be undertaken following their return to work.

Stage 1 Meeting is conducted by the line manager who will require approval from a Senior Manager before escalating to Stage 2.

Management preparation before the Meeting:

- Employee are to be given at least 5 working days' notice, requesting attendance of the employee at the meeting using the [Stage 1 Invite Letter](#).
- Advise the employee they have the right to be accompanied by a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative.
- Prior to meeting, management should ensure the employee receives a copy of this policy, full list of their absences, copies of any return to work discussions, any relevant supervision or any previous meeting notes, reasonable adjustment request form and any advice from OH or Health & Safety, where this has been requested.

NB: A member of the HR Team may also be in attendance (*in exceptional circumstances*).

What needs to be discussed during the meeting:

1. Refer to list of absences, with reasons and advise the employee that the level of absences have reached a trigger point.
2. Discuss the level of absences and explore areas possibly associated with the absences e.g. are absences caused by a disability or personal, family or work related problems. Where appropriate reference should be made to other supporting policies such as Special Leave, Flexi-Time or Flexible Working.
3. Establish whether there is any underlying cause for the absences and what, if any, action/support is required. Discuss any reasonable adjustments, if applicable, refer to the Supporting Disabled Colleagues section within the further guidance for managers and employees.
4. Management can request via a member of the Human Resources Team advice from OH on fitness to undertake duties, reasonable adjustments and/or advice on ongoing health. A referral to OH does not always need to be carried

out at Stage 1. It is for management to determine whether it is appropriate or not taking into account all the circumstances of the absence.

5. If a referral is made the manager may arrange a separate meeting to discuss the OH report if it is not received in time for the Stage Meeting. If the manager has tried to obtain OH advice but the employee fails to attend or refuses to give consent to release the report, any decisions made at the absence management meetings will be made without the benefit of this information.
6. Management may also request advice from the Health & Safety Team and request for a Risk Assessment to be carried out to identify any reasonable adjustments or equipment that may be available to assist the employee.
7. Advise that if an employee has had considerable time off work, this could result in the employee's pay reducing to half or nil pay.

Outcome of the Meeting:

Explain Absence Management Policy and Procedures and possible actions from the meeting. These could be:

- Reasonable adjustments considered.
- OH referral carried out.
- Redeployment investigated (*if appropriate due to an underlying medical condition and it has been recommended by OH*).

Set a review period for 1-2 months, or in exceptional circumstances this can be extended to a maximum of 2 months. For employees who are absent and return to work prior to the end of the review period, the review period will end and the review discussion should take place.

Employees at work when Stage 1 Meeting takes place will have a new trigger set for the length of the review period. Trigger will be pro rata'd to length of the review period, e.g. this could be no absences for a 2 month review. If the employee's absence levels continue to be a concern, prior to the review period ending, the end of the review period will be brought forward.

Employees should be made aware that if their attendance does not improve, they will be invited to a Stage 2 Meeting (*with a Senior Manager*), and if after Stage 2 there is still no improvement in the sickness absences, a Stage 3 Hearing will be arranged and a possible outcome of this could be dismissal.

The outcomes of the Stage 1 Meeting will be confirmed at the meeting and also confirmed in writing to the employee (See Stage 1 Outcome [Letter](#)).

STAGE 1 – ABSENCE MANAGEMENT REVIEW

Refer to [Review Checklist](#) (*unless requested, this does not require a face to face meeting*).

Following the end of the review period, which may be earlier if absences occur, the employee's absence levels need to be reviewed, using the Review Checklist. The line manager will record and gather the following information:

- Attendance during the review period (*including the last 12 months*), including sickness reasons.
- Return to work interview records.
- If applicable review latest OH report.
- Reasonable adjustment request form.
- Management reviews whether the employee's absences have improved as per trigger set at the Stage 1 Meeting.

At the end of the review period a discussion with the employee regarding their health takes place. The discussion is to gain information from the employee regarding his/her health and attendance, e.g. any improvement(s), anticipated return to work.

NB: If the employee requests they would like a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative to accompany them, it is recommended that managers agree to this. It is not a requirement for the employee to be accompanied. However, the Council wishes to ensure employees feel supported and comfortable with the process.

If the employee's representative is unable to attend the date provided, the meeting may be postponed. If so, it will be rearranged within 5 working days or as soon as is practicable, to avoid delaying the process.

Advise the employee that they are at the end of the review period and a decision will be made on whether they will be escalated to Stage 2, and this will be communicated to them as soon as possible.

Possible Outcomes of Stage 1 Review

Once management has completed the Review Checklist they will discuss the information gathered and review with a Senior Manager. Outcomes of the review are as follows:

Escalate to Stage 2 Meeting

Where an employee has not reached the attendance expected or they have not returned to work during the review period, these absence cases should be escalated to Stage 2. Senior management approval will be obtained.

Extension of Review Period

Further time is required so an extension of 1-2 months is set. There may be circumstances where it is appropriate for this to be either reduced or extended (in exceptional circumstances to a maximum of 2 months, (see [Extension of Review Letter](#))). Senior Manager approval is required.

12 Month 'Live' Period

If the employee's absences have improved to the expected level:

- Manager will need to encourage the employee to sustain this.
- Employee enters 12 month 'live' monitoring period, commencing when the review period ended.

If the employee has further absences within this 12 month period and, on a 12 month rolling basis, the absence(s) cause the Council's trigger points to be hit, the manager would review the absence record together with the Senior Manager. The Senior Manager would then determine whether the employee's circumstances are progressed to a Stage 2 Meeting or if a further review period is to be identified.

STAGE 2 – ABSENCE MANAGEMENT MEETING

Following on from Stage 1 Review, if the employee's attendance has not improved to an acceptable level they will be requested, in writing, to attend a Stage 2 Meeting (see [Stage 2 Guidance Notes for Managers](#)).

The Stage 2 Meeting is conducted by the Senior Manager, who will require an officer with **"authority to dismiss"** approval before escalating to Stage 3.

Management preparation before the Meeting:

- Giving at least 5 working days' notice, request attendance of the employee at the meeting using the [Stage 2 Invite Letter](#).
- Advise the employee that they have the right to be accompanied by a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative.
- Prior to meeting, management should ensure the employee receives a copy of this policy, full list of their absences, copies of any return to work discussions, previous Stage 1 Meeting invite and outcome letters, Stage 1 Review Checklist, any relevant supervision or reasonable adjustment request form, 121 records and any advice from OH or Health & Safety, where this has been requested.
- If a referral to OH has not taken place yet, then management are advised to complete a management referral at this time in order to seek medical advice regarding the employee absences. OH referral should not delay the Stage 2 Meeting; a separate meeting with the employee can be held to discuss the OH report when received.

NB: HR Advisor should also be in attendance.

What needs to be discussed during the Meeting:

1. Refer to the topics that were discussed at the Stage 1 meeting and update on any changes in circumstances or conditions and agree if any further advice or guidance needs to be requested from OH, GP or Health & Safety.
2. Management should discuss any progress, improvements or deterioration in the employee's health and explore any reasons why they have not improved. Management are required to demonstrate what action and discussions have taken place with the employee.
3. If the manager is in receipt of an OH Report since the Stage 1 Meeting, discuss its contents and any recommendations.
4. If any Health & Safety Risk Assessments have been carried out, discuss the outcome and any recommendations.

Outcome of the Meeting

Explain Absence Management Policy and Procedure and possible actions from the meeting. These could be:

- Reasonable adjustments considered.
- OH referral carried out, if not already undertaken.
- Redeployment investigated (*if appropriate due to an underlying medical condition and it has been recommended by OH*).
- If the employee feels they will soon be ready to return to work, it may be necessary to consider a phased return.

Set a review period for 1-2 months, or in exceptional circumstances this can be extended to a maximum of 2 months. For employees who are absent and return to work prior to the end of the review period, the review period will end and the review discussion should take place.

Employees at work when Stage 2 Meeting takes place will have a new trigger set for the length of the review period. Trigger will be pro rata'd to length of review period, e.g. this could be no absences for a 2 month review. If the employee's absence levels continue to be a concern prior to the review period ending the end of the review period will be brought forward.

Employees should be made aware that if their attendance does not improve, they will be invited to a Stage 3 Hearing and a possible outcome of this could be dismissal. The manager should explain that the aim of this policy is to help employees return to work and it is hoped dismissal will not be the outcome.

The outcomes of Stage 2 Meeting will be confirmed at the meeting and also confirmed in writing to the employee (See Stage 2 Outcome Letter).

STAGE 2 – ABSENCE MANAGEMENT REVIEW

Refer to Review Checklist (*unless requested this does not require a face to face meeting*).

Following the end of the review period, which may be earlier if absences occur, the employee's absence levels need to be reviewed, using the Review Checklist. The line manager and/or Senior Manager will record and gather the following information:

- Attendance during the review period (*including the last 12 months*), including sickness reasons.
- Return to work interview records.
- If applicable review latest OH report & Health & Safety Risk Assessments.
- Supervision notes where the employee's attendance and wellbeing have been discussed.
- Reasonable adjustment request form.
- Management reviews whether the employee's absences have improved as per trigger set at the Stage 2 Meeting.

At the end of the review period a discussion with the employee regarding their health takes place. This can be either face to face or via telephone (*please ensure that it is a convenient and appropriate place for the employee to take the call and have such discussion*). The discussion is to gain information from the employee regarding his/her health and attendance, e.g. any improvement(s), anticipated return to work.

NB: If the employee requests they would like a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative to accompany them, it is recommended that managers agree to this. It is not a requirement for the employee to be accompanied, however, the Council wishes to ensure employees feel supported and comfortable with the process.

If the employee's representative is unable to attend the date provided, the meeting may be postponed. If so it will be rearranged within 5 working days or as soon as is practicable, to avoid delaying the process

Advise the employee that they are at the end of the review period and a decision will be made on whether they are escalated to Stage 3 and this will be communicated to them as soon as possible.

Outcomes of Stage 2 Review

Once management has completed the Review Checklist they will discuss the information gathered and review with an officer with **“authority to dismiss”**. Outcomes of the review are as follows:

Escalate to Stage 3 Hearing

Where an employee has not reached the attendance expected or they have not returned to work during the review period, these absence cases should be escalated to Stage 3. Stage 3 Chair approval will be obtained.

Extension of Review period

Further time is required so an extension of 1-2 months is set. There may be circumstances where it is appropriate for this to be either reduced or extended (in exceptional circumstances to a maximum of 2 months, see [Extension of Review Letter](#)). Stage 3 Chair approval is required.

12 Months 'Live' Period

If the employee's absences have improved to the expected level:

- Manager will need to encourage the employee to sustain this
- Employee enters 12 month 'live' monitoring period, commencing when the review period ended.
- If the employee has further absences within this 12 month period and, on a 12 month rolling basis, the absence(s) cause the Council's trigger points to be hit, the manager would review the absence record together with the Stage 3 chair, for the chair to determine whether the employees circumstances are progressed to a Stage 3 Hearing or a further review period is to be identified.

STAGE 3 – CASE HEARING

Following a Stage 2 Review, if the employee's attendance has not improved to a satisfactory level, they will be requested in writing, to attend a Stage 3 Absence Management Hearing with their Senior Manager and an officer with **"authority to dismiss"** (*Chair*). See [Stage 3 Guidance Notes for Managers](#).

An officer with **"authority to dismiss"** is the Chair and decision maker at the hearing.

Management preparation before the Hearing:

- Giving at least 10 working days' notice, request attendance of the employee to the hearing and issues a letter to confirm this ([Stage 3 Invite Letter](#)), advising the employee they have the right to be accompanied by a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative.
- 7 working days prior to the hearing, management should provide the employee and the Stage 3 attendees with a full list of their absences, copies of any return to work discussions, any relevant supervision notes, reasonable adjustment request form, Stage 1 and 2 meeting invite and outcome letters, Stage 1 and Stage 2 Review Checklists and any advice from OH.

- Management should advise the employee if they wish to provide any additional documentation which is not included within the pack, it should be received no less than 5 working days prior to the hearing in order to avoid unnecessary delays.
- Management must ensure that they have obtained recent OH advice. If the manager has tried to obtain OH advice but the employee fails to attend without good or acceptable reason or refuses to give consent for the report to be released then management will go ahead with the meeting without the OH advice.
- Ensure the employee has previously been advised that a possible outcome of a Stage 3 Hearing is dismissal, on the grounds of either 'Some Other Substantial Reason' or 'Capability' (*if underlying medical condition*).

NB: HR Representative will also be in attendance at the hearing.

What needs to be discussed during the Hearing:

1. Refer to the list of absences, with reasons and advise the employee that their level of attendance has reached a trigger point.
2. Discuss the level of absences and explore areas possibly associated with the absences e.g. are absences caused by a disability or personal, family or work related problems? Where appropriate reference should be made to other supporting policies such as the Leave Policy, or Flexible Working Policy.
3. Discuss any progress, improvements or deterioration in the employee's health and explore reasons as to why attendance has not improved. Management will be required to demonstrate what action and discussion has taken place with the employee.

The Chair will consider the below questions:

1. Are the absences caused by a disability or personal, family or work related problem?
2. Where appropriate has the relevant supporting policies been utilised such as Leave Policy, or Flexible Working Policy.
3. Does the OH advice indicate the employee is likely to return to work in the near future?
4. Has the employee's absences changed from short term to long term or vice versa?
5. Has reasonable time been given to consider the employee's absence and to seek further OH advice if required?
6. Are Management satisfied that advice/reasonable adjustments have been considered/made and given an opportunity to have an impact on the employee's level of attendance, bearing in mind the length of absence, impact on the service area and the position the employee holds?

7. Where there is an underlying medical condition and the OH report refers to suitability for alternative employment, has the option of redeployment been considered/offered/discussed with the employee? (See *Medical Redeployment*).
8. Where appropriate, the Chair can suggest other options or reasonable adjustments to try and improve the employee's attendance, including: the need for further involvement of OH. Refer to Supporting Disabled Colleagues section within the further guidance for managers and employees.
9. Refer to the OH advice received, particularly in relation to any adjustments, changes in hours or duties, or specialist equipment which have been recommended and establish whether they have been put in place.
10. The option of Ill Health Retirement may apply to employees who have been on long term sickness absence and it is considered unlikely they will be able to return to work and are a member of the Local Government Pension Scheme;
11. The Chair will need to make them aware that permanent ill health retirement could be considered. Management should seek advice from their HR Advisor for further information on this.
12. Consideration on whether there is the need to re-refer the employee to OH for further advice on fitness to undertake duties, any reasonable adjustments or advice regarding ongoing health. The Chair will need to advise the employee that they will arrange a separate meeting to discuss the OH report once it is received.
13. If a further referral is made, the manager may arrange a separate meeting to discuss the OH report once it is received. If the manager has tried to obtain OH advice but the employee fails to attend these appointments or refuses to give consent to release the report, any decisions made at the absence management meetings will be made without the benefit of this information.

Adjournment at the Hearing

An adjournment at a Stage 3 Case Hearing should take place to allow consideration regarding the employee's attendance and medical condition in relation to the outcomes of the hearing. The employee will be notified within 3 working days of the outcome.

OUTCOME OF HEARING

Dismissal with contractual notice

If the Chair decides to dismiss the employee on the grounds of 'Some Other Substantial Reason' or 'Capability' (*if underlying medical condition*), they will outline the reasons why and provide information on the employee's notice period.

If applicable, redeployment opportunities will continue to be considered during the employee's notice period.

If the employee has been granted Ill Health Retirement under the Local Government Pension Scheme, in addition to the [Stage 3 Outcome Letter](#) a separate formal decision notification will be sent to confirm the outcome of relevant tier 1, 2 or 3. (See *Ill Health Retirement*).

Set Review Period

Further time is required so a review period of 1-2 months is set. There may be circumstances where it is appropriate for this to be either reduced or extended (*in exceptional circumstances to a maximum of 2 months*). As part of this review they can consider the following outcomes:

- Reasonable adjustments considered.
- OH referral carried out.
- Redeployment investigated (*if appropriate due to an underlying medical condition and recommended by OH*).
- For employees who are absent from work then return to work prior to the end of the review period, the review period will end and the review discussion should take place.
- For employees that are at work when the Stage 3 Hearing takes place a new trigger will be set for the length of the review period. This will be pro rata'd down to the length of the review period, e.g. this could be no absences for a 2 month review.

If the employee's absence levels continue to be a concern prior to the review period ending, the end of the review period will be brought forward.

The Chair will need to be satisfied that the employee is fully aware of the Absence Management Policy and Procedure. The employee should be made aware that if their attendance does not improve, they will return to a Stage 3 Hearing and a possible outcome of this meeting could be dismissal.

The outcome of the Stage 3 Hearing will be confirmed at the hearing and also confirmed in writing to the employee (see [Stage 3 Outcome Letter](#)).

NB: Chair should discuss pay status if the employee has had a considerable amount of time off work, i.e. when the employees pay reduces to half/nil sick pay.

STAGE 3 – ABSENCE MANAGEMENT REVIEW

Refer to [Review Checklist](#) (does not require a face to face meeting)

Following the end of the review period, which may be earlier if absences occur, the employee's absence levels need to be reviewed, using the Review Checklist. The purpose of the Stage 3 Review is for the Senior Manager to gather the following

information for the Chair to make a decision as to how to progress a case:

- Attendance during the review period (*including the last 12 months*), including sickness reasons.
- Return to work interview records.
- If applicable review latest OH report.
- Review any supervision notes where the employee's attendance and wellbeing have been discussed.
- Reasonable adjustment request form.
- Management reviews whether the employee's absences have improved as per trigger set at the Stage 3 Hearing.

At the end of the review period, a discussion with the employee should take place (*either face to face or via telephone, please ensure that it is a convenient and appropriate place for the employee to take the call*) to gain information from them regarding any improvement in the employee's health and attendance.

NB: If the employee requests a face to face review meeting and would like a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative to accompany them, it is recommended that managers agree to this. It is not a requirement for the employee to be accompanied, however, the Council wishes to ensure employees feel supported and comfortable with the process.

If the employee requests a face to face review meeting with a representative but they are unable to attend on the date provided, the meeting maybe postponed and if so will be rearranged within 5 working days or as soon as is practicable. This is in order to avoid delaying the process.

If a face to face review takes place the Senior Manager will use the Review Checklist to gather the information. The manager will share the Review Checklist with the employee.

Management will need to make the employee aware that they are at the end of the review period and a decision will be made whether to conduct a further Stage 3 Hearing.

OUTCOMES OF STAGE 3 REVIEW

Conduct a further Stage 3 Hearing

Where employees have not reached the attendance expected or have not returned to work during the review period, a further Stage 3 Hearing will be arranged. Where possible, it will be the Chair of the original Stage 3 Hearing.

Extension of Review Period

Further time is required so an extension of 1-2 months is set. There may be circumstances where it is appropriate for this to be either reduced or extended (in exceptional circumstances up to a maximum of 2 months, see ([Extension of Review Letter](#))). Stage 3 Hearing Chair will make this decision.

12 Month 'Live' Period

If the employee's absences have improved to the expected level:

- Manager will need to encourage the employee to sustain this.
- Employee enters a 12 month 'live' monitoring period, commencing when the review period ended.
- If the employee has further absences within this 12 months period and, on a 12 month rolling basis, the absence(s) cause the Council's trigger points to be hit, the manager would review the absence record together with the Chair, for the Chair to determine whether the employee's circumstances are progressed to convene a further Stage 3 Hearing.

APPEAL

If at the Stage 3 Case Hearing the employee is dismissed the employee has the right to appeal against their dismissal under this procedure and the [Appeals Policy](#) will apply. If the employee wishes to appeal they must do so in writing, outlining their grounds of appeal within 10 working days of the date on which the decision is confirmed in writing.

APPENDIX 1 – STAGE 1 REVIEW FLOWCHART (SHORT TERM)

When a trigger point is reached, the Line Manager is to write to the employee inviting them to a Stage 1 Meeting, enclosing the Sickness Absence Management Policy & Procedures (Contact HR to advise them and for address details). They must be given 5 days' notice & have the right of accompaniment. Email copy of letter to HR for Employee File.

At the meeting discuss reasons for the absences, any support that the Council can offer (*Reasonable Adjustments, OH, H&S or Remploy*), and agree a review period, normally 2 months, with no further absences and explain first day reporting procedures.

The Line Manager must confirm in writing to the employee the discussion at the Stage 1 Meeting, including any review period, referrals, reasonable adjustments or first day reporting etc. Also include a date for your next review meeting. Email copy of letter to HR for Employee File.

No improvement

At the end of the review period or before where an employee has not reached the attendance expected, the manager should complete the Review Checklist and in consultation with HR & a Senior Manager escalate to a Stage 2 Review.

No improvement

The Line Manager must then confirm in writing to the employee that their absence has been escalated to a Stage 2 Review and they will be requested to attend a Stage 2 Review Meeting. Email copy of letter to HR for Employee File.

Improvement in Attendance

At the end of the review period, if there has been an improvement in the employee's attendance, the Line Manager should complete the Review Checklist and meet with the employee to discuss the review period.

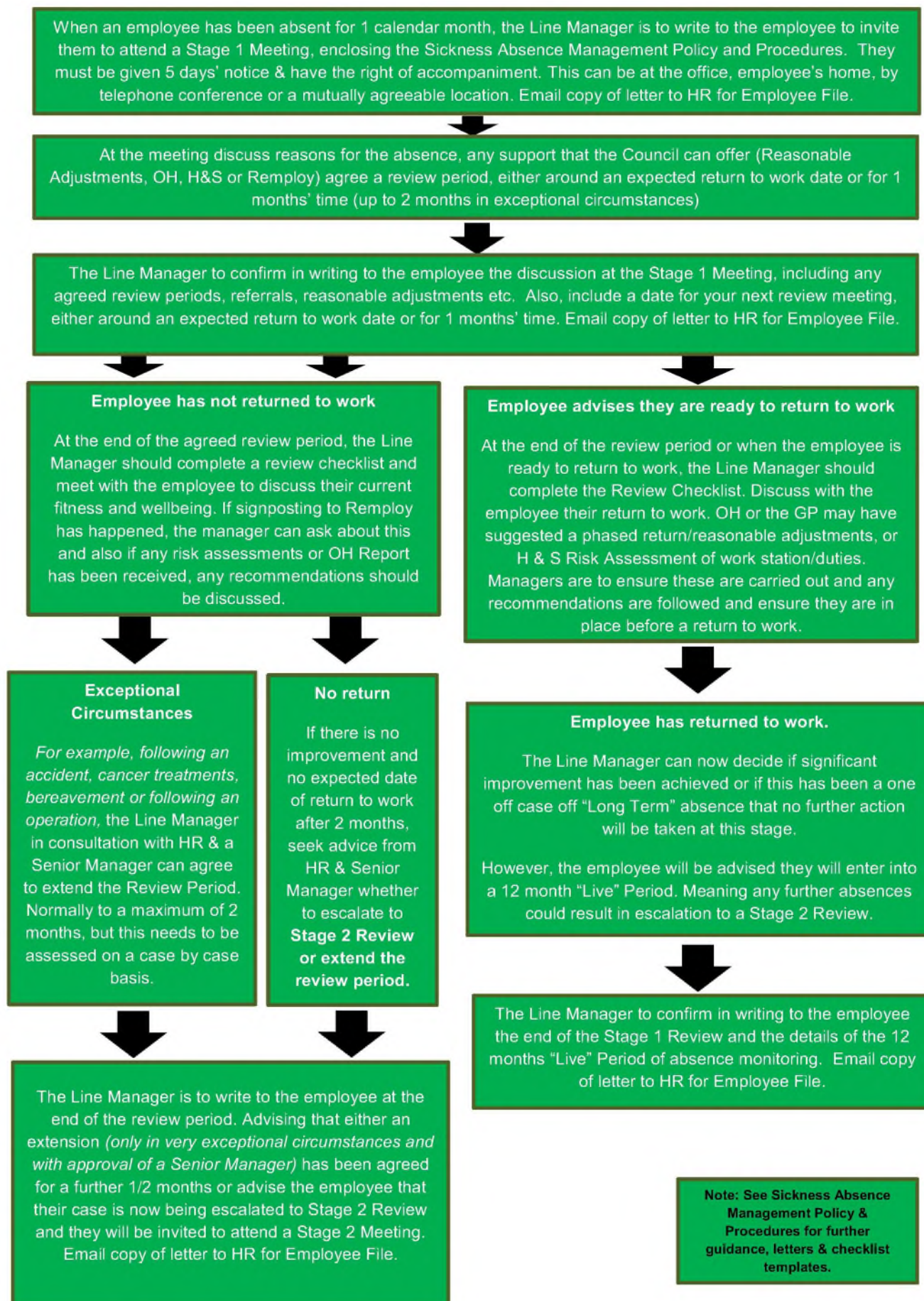
Significant Improvement in Attendance

The Line Manager can now decide if significant improvement has been achieved, that no further action will be taken at this stage, however the employee will be advised they will enter into a 12 month "Live" Period. Meaning any further absences could result in escalation to Stage 2 Review

The Line Manager must confirm in writing to the employee the end of the Stage 1 Review and the details of the 12 months "Live" Period of absence monitoring. Email copy of letter to HR for Employee File.

Note: See Sickness Absence Management Policy & Procedures for further guidance, letters & checklist templates.

APPENDIX 2 – STAGE 1 REVIEW FLOWCHART (LONG TERM)



APPENDIX 3 – STAGE 2 REVIEW FLOWCHART (SHORT TERM)

If following the completion of a Stage 1 Review, there has been no significant improvement in an employee's attendance, in consultation with HR and a Senior Manager, the employee should be invited to attend a Stage 2 Review meeting with their Line Manager and a Senior Manager (*This will be dependent on the service structure & may need to be an independent manager from another team*). (HR can be present at this meeting if requested)
Email copy of letter to HR for Employee File.

At the meeting the Senior Manager will discuss reasons for the absences, if any further support can be offered in addition to any already provided (*reasonable adjustments, referrals to OH, Remploy or Health & Safety Risk Assessments*), as well as the impact on the employee's capability to fulfil their role. The Senior Manager will then set and agree a 2 month Review Period. The Senior Manager must ensure the employee is made aware that if there is no improvement in their attendance it may be necessary to hold Stage 3 Case Review Hearing and a possible outcome of this meeting could be dismissal. If any additional referrals or reports are requested at this stage, a further meeting may be required to discuss them.

Senior Manager to confirm in writing to the employee the discussion at the Stage 2 Meeting, including any review period, referrals or reasonable adjustments etc. Also include a date for your next review meeting. Include in the letter the possible escalation to a Stage 3 Case Review Hearing. Email copy of letter to HR for employee file.

No Improvement

At the end of the review period or before, where an employee has not reached the attendance expected, the line manager should complete the Review Checklist in consultation with HR & a Senior Manager and unless any exceptional circumstances (*e.g. a newly diagnosed condition, bereavement or accident*) need to be taken into account, agree to escalate to a Stage 3 Case Review Hearing.

No Improvement

Senior manager to confirm in writing to the employee that their absence case has been escalated to a Stage 3 Case Review Hearing and they will be requested to attend a Stage 3 Hearing and a possible outcome of this meeting could be dismissal. Email copy of letter to HR for Employee File.

Improvement in Attendance

At the end of the review period, if there has been an improvement in the employee's attendance, the line manager should complete the Review Checklist, and discuss with the Senior Manager. The Senior Manager should then meet with the employee to discuss the review period.

Significant Improvement in Attendance

The Senior Manager can now decide if significant improvement has been achieved and that no further action will be taken at this stage, however the employee will be advised they will enter into a 12 month "Live" Period. Meaning any further absences could result in escalation to a Stage 3 Hearing.

Senior Manager to confirm in writing to the employee the end of the Stage 2 Review and the details of the 12 months "Live" Period of absence monitoring. Email copy of letter to HR for Employee File.

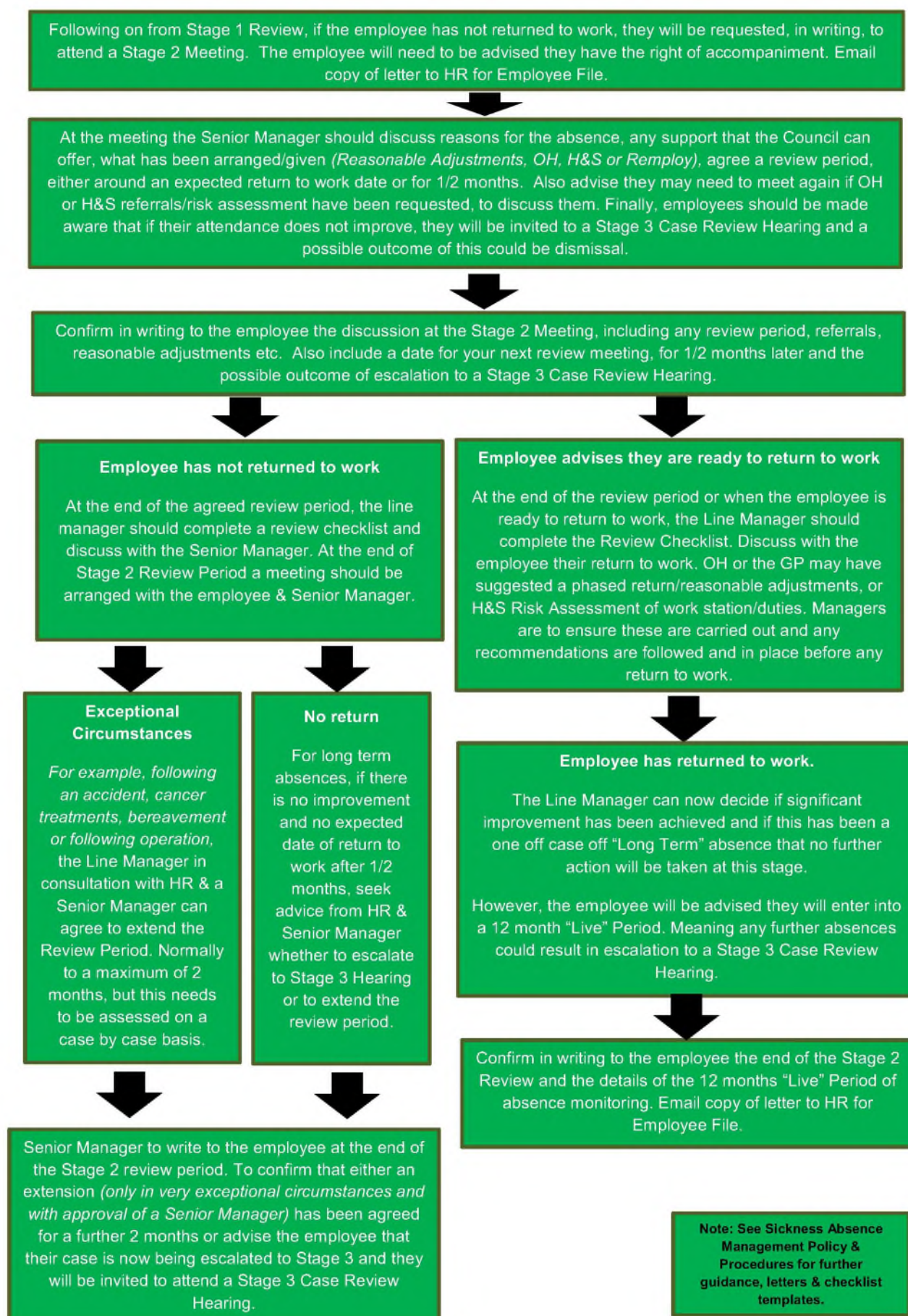
Slight Improvement in Attendance

If the Senior Manager feels there has been a slight improvement, they can agree a further review period of 2 months, before escalating to a Stage 3 Case Review Hearing.

Senior Manager to confirm in writing to the employee the agreed further review of maximum 2 months. Email copy of letter to HR for Employee File.

Note: See Sickness Absence Management Policy & Procedures for further guidance, letters & checklist templates.

APPENDIX 4 – STAGE 2 REVIEW FLOWCHART (LONG TERM)



APPENDIX 5 – STAGE 3 REVIEW FLOWCHART

If following the completion of a Stage 2 Review, there has been no significant improvement in an employee's attendance, a decision should be made (in consultation with HR & an officer with the "authority to dismiss") as to whether a Stage 3 Case Review Hearing should be held. HR will invite the employee to attend a Stage 3 Case Review Hearing with an officer with the "authority to dismiss" (Chair) and a representative from HR. The employee must be given 10 days' notice and has the right of accompaniment. HR will prepare a pack of information that will be shared with the employee, any union representative and the Chair. Any required OH, H&S or Remploy advice must be obtained prior to the Hearing.

The Chair will discuss the list of absences, the reasons for the absences, reasonable adjustments made, any advice given by OH, H&S, Remploy or the GP. In addition, the Chair will seek to clarify if the employee feels there is anything further the Council can offer to support them. The Chair must be satisfied that the employee is fully aware of the Sickness Absence Management Policy and Procedures. The employee will be advised that they will be informed of the outcome of the hearing within 3 working days.

The Chair will then consider a number of factors (*see guidance notes*) and decide to:

- Refer to OH for Ill Health Retirement Assessment
- Redeployment
- Set additional review period if the Chair feels further advice is needed to be sought from OH, H&S, HR or Remploy.
- Terminate employment on the grounds of 'Medical Capability' (*if underlying medical condition*)

Further Evidence Required

The employee must be written to within 3 working days of the hearing by the Chair detailing any further review period or further information that is required and that they will be invited to a second Stage 3 Case Review Hearing. This meeting should follow the same format as the first meeting and should only be convened when all the evidence is available for a decision to be made by the Chair.

Outcome

The employee must be written to in 3 days detailing the outcome of the Case Review Hearing.

Possible Outcomes:

- Redeployment Options.
- Further review agreed.
- Termination of Employment, the grounds and their right of appeal.

Additional Review Period

Confirm in writing to the employee any agreed extension and advise a date for a second Stage 3 Case Review Hearing at the end of the review period or sooner if additional information is received from OH, H&S, Remploy or HR.

Ill Health Retirement Assessment

If the Chair has requested an assessment of Ill Health Retirement, HR will instruct the OH Provider to appoint an Independent Registered Medical Practitioner (IRMP) to carry out the assessment in line with the LGPS Regulations. The employee will continue to be employed until the assessment has been carried out. The employee will then be invited to attend a second Stage 3 Hearing.

Ill Health Retirement

Based on all the evidence available, the Assistant Director (Partnerships) in consultation with the relevant Corporate Director will make the final decision in line with the LGPS regulations as to whether the employee can be awarded the early pension payment on the grounds of ill health.

Once a formal decision has been made the employee will be invited to attend a second Stage 3 Case Review Hearing.

Note: See Sickness Absence Management Policy & Procedures for further guidance, letters & checklist templates.